

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JAMES S. FRAZIER, JR.,)	Civil Action No. 10-500
)	
Plaintiff,)	
)	
v.)	Magistrate Judge Lisa Pupo Lenihan
)	
SECRETARY RAY MABUS, U.S.)	
DEPARTMENT OF THE NAVY;)	
EXECUTIVE DIRECTOR W. DEAN)	
PFEIFFER, BOARD FOR)	
CORRECTION OF NAVAL RECORDS,)	
)	
Defendants.)	<i>Filed electronically</i>

**DEFENDANTS' APPENDIX OF EXHIBITS IN SUPPORT OF MOTION
TO DISMISS OR, IN THE ALTERNATIVE, FOR SUMMARY JUDGMENT**

Defendants, Secretary Ray Mabus, U.S. Department of the Navy, Executive Director W. Dean Pfeiffer, Board for the Correction of Naval Records, by their attorneys, David J. Hickton, United States Attorney for the Western District of Pennsylvania and Jennifer R. Andrade, Assistant United States Attorney, respectfully file the within Appendix of Exhibits in Support of Motion to Dismiss, or in the Alternative, for Summary Judgment.

EXHIBIT A	Relevant Portions of MCO P1001R.1J
EXHIBIT B	Relevant Portions of Marine Corps Manual (1980) Change 1-3
EXHIBIT C	MCO P1400.32C (in full)
EXHIBIT D	MCO 5420.16C (in full)

Administrative Record Vol. I	Pages 1-47
Administrative Record Vol. II	Pages 48-101
Administrative Record Vol. III	Pages 102-152
Administrative Record Vol. IV	Pages 153-184
Administrative Record Vol. V	Pages 185-223
Administrative Record Vol. VI	Pages 224-256
Administrative Record Vol. VII	Pages 257-286
Administrative Record Vol. VIII	Pages 287-319
Administrative Record Vol. IX	Pages 320-341
Administrative Record Vol. X	Denial Letters
Administrative Record Vol. XI	BCNR LTR BJG DOCKET

Respectfully submitted,

DAVID J. HICKTON
United States Attorney

/s/ Jennifer R. Andrade
JENNIFER R. ANDRADE
Assistant U.S. Attorney
Western District of PA
U.S. Post Office & Courthouse
700 Grant Street, Suite 4000
Pittsburgh, PA 15219
(412) 894-7354
Attorney for Defendants

Of Counsel:

LCDR Michael J. Marinello, JAGC, USN
Office of the Judge Advocate General
General Litigation Division (Code 14)
1322 Patterson Avenue, SE, STE 3000
Washington Navy Yard, DC 20374

CERTIFICATE OF SERVICE

I hereby certify that I have served on this date, a copy of the within *Defendants' Appendix of Exhibits in Support of Motion to Dismiss, or in the Alternative, for Summary Judgment*, either electronically or by first-class United States mail, upon the following:

James S. Frazier, Jr.
Post Office Box 224
McKeesport, PA 15134
Pro se Plaintiff

Dated: February 17, 2012

s/ Jennifer R. Andrade
JENNIFER R. ANDRADE
Assistant U. S. Attorney